

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Case Action No. 41-1395 (WCC)

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Transmissions by

MICROSOFT CORPORATION'S MSN.COM
PORTAL WEBSITE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, WILLIAM WARGO, a member in good standing of the bar of this Court and counsel for Microsoft Corp. in this action, hereby move for an Order allowing the admission pro hac vice of my colleague:

Jennifer B. Moore
GREENBERG TRAURIG, LLP
The Forum
3290 Northside Parkway, Suite 400
Atlanta, Georgia 30327
Telephone: (678) 553-7324
Facsimile: (678) 553-7325
Email: moorej@gtlaw.com

JUN 09 2008

912925-653532

FILED
JUN 10 2008
CLERK OF COURT

Jennifer B. Moore is a member in good standing of the bar of the State of Georgia. (*See* Exhibit A). There are no pending disciplinary proceedings against Jennifer B. Moore in any State or Federal court.

Dated: June 9, 2008
New York, New York

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Will Wargo", is written over a horizontal line.

William Wargo (WW9147)
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
Telephone: (212) 801-9200
Facsimile: (212) 801-6400
Email: wargow@gtlaw.com
Attorneys for Microsoft Corp.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

v.
AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.
-----X

Case Action No. 41-1395 (WCC)

**AFFIDAVIT OF WILLIAM WARGO
IN SUPPORT OF MOTION TO ADMIT
COUNSEL PRO HAC VICE**

-----X
In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Transmissions by
-----X

MICROSOFT CORPORATION'S MSN.COM
PORTAL WEBSITE
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

WILLIAM WARGO, being duly sworn, deposes and says as follows:

1. I am associated with the firm of Greenberg Traurig, LLP, counsel for Microsoft Corporation in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein in support of Microsoft Corporation's motion to admit Jennifer B. Moore as counsel pro hac vice to represent Microsoft Corporation in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in New York in November 2002. I am also admitted to the bar of the

United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Jennifer B. Moore joined our law firm as a shareholder (member) in January 2007 and, as a result, I came to know her recently.

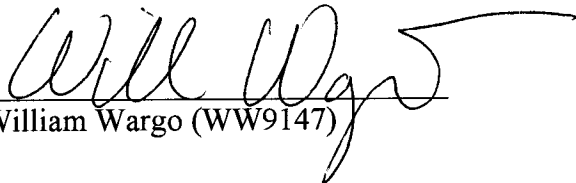
4. Ms. Moore is a shareholder in the Atlanta office of our law firm.

5. I have found Ms. Moore to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

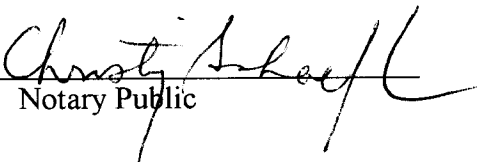
6. Accordingly, I am pleased to move the admission of Jennifer B. Moore, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Jennifer B. Moore, pro hac vice.

WHEREFORE it is respectfully requested that the motion to admit Jennifer B. Moore, pro hac vice, to represent Microsoft Corporation in the above captioned matter, be granted.


William Wargo (WW9147)

Sworn to before me this
9th day of June, 2008.


Notary Public

CHRISTY SCHAEFFER
Notary Public, State of New York
No. 31-4769958
Qualified in New York County
Commission Expires August 31, 2010



STATE BAR OF GEORGIA

Lawyers Serving the Public and the Justice System

Ms. Jennifer Brown Moore
Greenberg Traurig, LLP
3290 Northside Parkway N.W., Suite 400
Atlanta, GA 30327

CURRENT STATUS: Active Member-Good Standing
DATE OF ADMISSION: 08/29/1986
BAR NUMBER: 088128
TODAY'S DATE: June 4, 2008

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- **Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).**
- **Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.**
- **Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.**

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential

currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current and is not suspended or disbarred as of the date of this letter.



STATE BAR OF GEORGIA

Brandy Preston

HEADQUARTERS

104 Marietta Street, Suite 100
Atlanta, Georgia 30303
(404) 527-8700 ■ (800) 334-6865
FAX (404) 527-8717
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Official Representative of the State Bar of Georgia

SOUTH GEORGIA

244 E. Second Street (Zip 31794)
P.O. Box 1390
Tifton, Georgia 31793-1390
(229) 387-0446 ■ (800) 330-0446
FAX (229) 382-7435

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**AMERICAN SOCIETY OF COMPOSERS,
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Defendant.

Civil Action No. 41-1395 (WCC)

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Performances via Non-Simulcast Transmissions by**

**MICROSOFT CORPORATION'S MSN.COM
PORTAL WEBSITE**

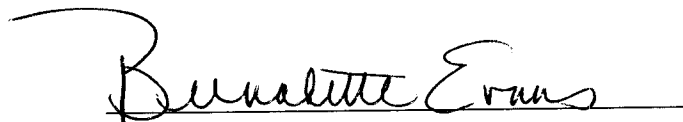
CERTIFICATE OF SERVICE

I, BERNADETTE EVANS, do hereby certify on this 9th day of June, 2008, that I caused a copy of the Motion to Admit Counsel Pro Hac Vice and the Affidavit of William Wargo in Support of Motion to Admit Counsel Pro Hac Vice to be served on opposing counsel by U.S. Mail, postage prepaid and addressed to:

David Leichtman
Hillel I. Parness
Aviva J. Halpern
Lovells LLP
590 Madison Avenue
New York, New York 10022
Tel: (212) 909-0600
Fax: (212) 909-0660

Richard H. Reimer
ASCAP
One Lincoln Plaza
New York, New York 10023
Telephone: (212) 621-6200
Facsimile: (212) 787-1381

This 9th day of June, 2008



ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Case Action No. 41-1395 (WCC)

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Transmissions by

MICROSOFT CORPORATION'S MSN.COM
PORTAL WEBSITE

Upon the motion of William Wargo, attorney for Microsoft Corp., and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Jennifer B. Moore
GREENBERG TRAURIG, LLP
The Forum; 3290 Northside Parkway, Suite 400
Atlanta, Georgia 30327
Telephone: (678) 553-7324
Facsimile: (678) 553-7325
Email: moorej@gtlaw.com

is admitted to practice pro hac vice as counsel for Microsoft Corp. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: June __, 2008
New York, New York

United States District Judge